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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,228	08/22/2006	Mauro Barbieri	NL 040199	1490

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EXAMINER

RAHMJOO, MANUCHER

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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11/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,228	Applicant(s) BARBIERI, MAURO	
	Examiner MIKE RAHMJOO	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Matraszek et al (US PAP 2003/ 0117651), hereinafter, Matraszek.

As per claims 1, 11- 14, Matraszek teaches a computer with instructions/ software and storage see for example [51] and fig. 1;

determining a relative importance (I.sub.1, . . . I.sub.N) of each image (1, 2, . . . N) (i.e., relative degree of interest to rank images as important/ favorite images) see for example [25] and [0076];

generating an icon composed of a selection of images based on the determined relative importance of each image(i.e., computer system 10 automatically creating *an album page* of the five most favorite images) see for example [105]; and

determining the relative order based on the determined relative importance of each image(i.e., computer system 10 automatically creating *an album page* of the five most favorite images with the most favorite image P1 positioned in the center which is larger in size) see for example [105]. [107] also teaches a picture map which is created

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automatically or by a user based on the personal affective information along with the positions/locations selected and placed on the map.

Examiner's note;

As per claim 12 and figure 3, the computer program product is statutory subject matter under 35 USC 101 because of the program being loaded by the processor into the computer system illustrated in figure 3. The computer system of claim 12 requires loading by a processor which is central to the applicant's invention.

As per claim 2, Matraszek teaches the presence of manual annotations or explicit user rating (i.e., user selection of a few images out of a dozen as special favorites and user annotation with voice) see for example [25] and [40] respectively.

As per claim 3, Matraszek teaches the number of images that is incorporated in the icon is selected based on the determined relative importance ($I_{sub.1}$, . . . $I_{sub.N}$) of each image (1, 2, . . . N) (i.e., the most favorite images with higher relative degree of interest for a user) see for example [76]. [25] also teaches a few images (corresponding to the number) out of a dozen as special favorites.

As per claim 4, Matraszek teaches the layout of the icon is selected based on the determined relative importance ($I_{sub.1}$, . . . $I_{sub.N}$) of each image (1, 2, . . . N) (i.e., album layout automatically customized based on the personal affective information) see for example [106].

As per claim 5, Matraszek teaches the size of each selected image in the icon is proportional to the relative importance ($I_{sub.1}$, . . . $I_{sub.N}$) of each image (1, 2, . . .

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N) (i.e., customization of the album pages in terms of size and the most favorite picture P1 located in the center and larger in size) see for example [60] and [105] respectively.

As per claim 6, Matraszek teaches the position of each selected image in the icon depends on the relative importance (I.sub.1, . . . I.sub.N) of each image (1, 2, . . . N) (i.e., the most favorite picture P1 located in the center and larger in size and selection of the position information as in more prominent location in the photoproduct of the one or more favorite images) see for example [105] and [115] respectively.

As per claim 7, Matraszek teaches the group of images comprises a plurality of stills from a movie(i.e., still images or a moving image such as a video clip which inherently includes a plurality of still for favorite images) see for example [25].

As per claim 8, Matraszek teaches the group of images comprise a plurality of icons, for instance representing a group of images, a movie, a computer program or application(i.e., moving image such as a video clip) see for example [25].

As per claim 9, Matraszek teaches the icon is a desktop(i.e., desktop for providing personal affective information such as favorite images to provide customized photoproducts) see for example [45].

As per claim 10, Matraszek teaches the method further comprises determining a relative order based on the determined relative importance of each image(i.e., automatic selection and placement of the favorite images based on the personal affective information and with pertaining proper places on the map) see for example fig. 7a- b and [107]. [105] and [115] also respectively teach the most favorite picture P1 located in the center and larger in size and selection of the position information as in

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more prominent location in the photoproduct of the one or more favorite images corresponding to a relative order of the based on the relative importance of each image.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is 571-272-7789. The examiner can normally be reached on 8 AM- 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mike Rahmjoo
November 01, 2009

/Anand Bhatnagar/
Primary Examiner, Art Unit 2624
November 5, 2009